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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,509

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Kumar Venkateswara Vedantam

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1348

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04/27/2010

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EXAMINER

ASDJODI, MOHAMMAD REZA

ART UNIT

PAPER NUMBER

1796

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,509	Applicant(s) VEDANTAM ET AL.	
	Examiner M. REZA ASDJODI	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-0, and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 9, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by King (US 5,041,421).

Regarding claims 1-4, King teaches a method of preparation of a free flowing solid fragrance providing composition (abstract, 6: 55-63) comprising addition of fragrance to a particulate carrier materials such as silica, calcium silicate, sodium silicoaluminate (in any ratio with respect to water soluble salt for the purpose of carrying and delivering a desired amount of fragrance; 5: 1-10); [3: 15-31, 43-60], with the ratio of Si containing particulate carrier material to water soluble alkali salt (i.e. sodium chloride) being from 3-10%, which is equivalent to 0.6/20 to 2/20 (meeting the values between claimed ratios of 1:1 to 1:20); [3: 31, 6: 60-63], wherein the ratio of water soluble salt to fragrance is from 10: 0.9 to 10: 3; [3: 31, 6: 61-63]. Note that the ratio of particulate material to fragrance is 1: 3 ; [3: 26, 61]. The ratio of insoluble particulate material to the water soluble salt is 20% to 60%, which is also adjustable to provide more fragrance delivery capacity; [4: 59-64, 5: 1-15].

Regarding claims 9, 10, 12, and 13, King teaches the weight ratio of particulate carrier to water soluble salt in the range of 0.6: 20 to 2: 20; [3: 31, 6: 61-63], and the ration of water soluble salt to fragrance is in the range of 10: 0.9 to 10: 3 ; [3: 31, 6: 61-63]. King also teaches another ratio of salt to fragrance as being 20: 1 ;[4: 59].

Art Unit: 1796

Claims 5-7, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by King (US 5,041,421).

Regarding claims 5-7, and 14-19, King teaches a free flowing solid fragrance-providing composition (abstract, 6: 55-63) consisting essentially of particulate carrier materials such as silica, calcium silicate, sodium silicoaluminate; [3: 15-31, 43-60], water soluble alkali salt (i.e. sodium chloride) is more than 60% of composition; [5: 66], wherein the particulate carrier material are 3 to less than 10% of water soluble salts (equal to 0.6/20-2/20); [6: 63]. This ratio is also adjustable to any desired range in order to provide more fragrance delivery capacity; [4: 59-64, 5: 1-15]. The ratio of water soluble salt to fragrance is from 10: 0.9 to 10: 3; [3: 31, 6: 61-63].

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by King (US 5,041,421), as evidenced by Behan et al. (US 5,840,668).

Regarding claim 20, King teaches a method of providing a fragrance to a substrate (i.e. rug), wherein the composition of free flowing solid can be dissolved in warm water; [10: 40, claim 37]. It should be noted that the property upon which the fragrance is delivered during a washing or rinsing process is an inherent quality of kings teaching, which is well known and practiced in the art, as is also evidenced by Behan et al. ; [8: 37-43].

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by King (US 5,041,421), as evidenced by Behan et al. (US 5,840,668).

Regarding claim 8, King teaches a method of providing a fragrance to a substrate (i.e. rug), wherein the composition of free flowing solid can be dissolved in warm water; [10: 40, claim 37]. It should be noted that the property upon which the fragrance is delivered during a washing or rinsing process is an inherent quality of kings teaching, which is well known and practiced in the art, as is also evidenced by Behan et al. ; [8: 37-43]. King's fragrance delivery material is deposited on particulate carrier and water soluble alkali salts such as sodium chloride, wherein the water soluble alkali salt (i.e. sodium chloride) is more than 60% of composition; [5: 66], and the particulate carrier material are 3 to less than 10% of water soluble salts (equal to 0.6/20-2/20); [6: 63].

Response to Arguments

Applicant's arguments filed 01/26/10 have been fully considered but they are not persuasive. Because:

A- In response to applicant's argument that: "King's carrier for the perfume is a compressed salt": it is noted that teachings of King are clearly to the contrary, and applicant's assertion is out of context. King is clearly teaching a free flowing powder (loose state) composition for fragrance delivery; [8: 10-15, example 4, 10: 39].

B- In response to applicant's argument that: "in applicant's claims 1, 5, and as carrier is not a salt": it is noted that; I)- King's carrier is not only salt but also is the same material (i.e. silicate; 3: 15-25) as cited by the instant claims which is indicated in the action above. II)- Applicant should note that the language of instant claims are of

Art Unit: 1796

comprising one, and therefore any other material as a possible, or potential, carrier is allowed accordingly. III)- To date, there has been no display of evidence to elucidate differences between the two inventions. It is noted that arguments of counsel can not take the place of evidence in the record. *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); *In re Geisler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997).

C- In response to applicant's argument that: "King's composition is not for washing and rinsing": it is noted that the language of claim is not specific enough to clearly and particularly point out the purpose of washing and rinsing. King clearly teaches the addition of their composition to a warm water which in fact is interpreted for the related purpose, as is additionally evidenced by Behan et al.

Note: Applicant has amended claims 6-8, and 13. Therefore the claim dependencies are changed and as result the claim objection in previous action is withdrawn. However, the ground of rejection, even though being the same basically, is rearranged accordingly.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 1796

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton I. Cano/
Supervisory Patent Examiner, Art Unit 1796

/M.R.A./
Examiner, Art Unit 1796
04/13/10